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LETTER DATED 15 NOVEMBER 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Acting on instructions of my Government I have the honour to transmit to you herewith, for the information of members of the Security Council, the position of the Republic of Zaire on the deployment of an international force by the United Nations in eastern Zaire.

I have also been requested to state that the Government of Zaire, which adheres to the principle of the voluntary return of refugees to their country of origin, save where there is a threat to the security of the host State, is requesting that the international community become promptly involved in the search for third countries that would take those refugees who might have reasons for not wishing to return to their country of origin.

Zaire considers that the key to the crisis in eastern Zaire is the Rwandese or Burundi refugees. Accordingly it is imperative that a solution be found through the return or departure of all refugees to other climes in hopes that the region may calm down and be able to devote itself to the immense tasks of reconstruction.

I should be very grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Minister Plenipotentiary and
Deputy Permanent Representative

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Annex

Position of the Government of Zaire, dated 14 November 1996, on the deployment of an international force by the United Nations in eastern Zaire

1. Since the United Nations Security Council plans to deploy a multinational force in eastern Zaire in order to deal with the vast humanitarian crisis there which constitutes a threat to peace and security in the region (see resolution 1078 (1996) of 9 November 1996), the Government of the Republic of Zaire should be formally consulted on the composition and mandate of that force and on the measures needed to implement the decision of the Security Council since:

(a) First, the Republic of Zaire is clearly the victim of aggression by the regular armed forces of Rwanda, Uganda and Burundi which have violated its territorial integrity and its recognized international boundaries;

(b) Secondly, Zaire in a spirit of solidarity has welcomed in its territory more than 2.5 million Rwandese refugees whose return to their country of origin is today made difficult because of the blockade and the policy of exclusion and ethnic cleansing practised by the State of Rwanda.

2. In the event that it is not consulted regarding the composition of the multinational force, the Government of the Republic of Zaire reserves the right to challenge any State which, because of its dealings with the aggressors finds it impossible to be neutral, any country which shows hostility to Zaire or any country whose nationals have taken up arms side by side with Rwanda against Zaire.

3. It is in this context that the Government of the Republic of Zaire objects to the sending or the presence in Kigali on Thursday, 14 November 1996, of a team of planners for the multinational force.

Since the multinational force is to be deployed in Zaire, why should the planning be done in Kigali?

The Government of the Republic of Zaire believes that the force should have its headquarters in Zaire and that the deployment of the multinational force should be planned with Zaire, not with Zaire's aggressors.

4. As for the mandate of the international force, the Government of the Republic of Zaire believes that it should be not only humanitarian but also political - and that it must be supported militarily, if necessary - in order to cover all aspects of the problem and ensure respect for the relevant provisions of the Charter of the Organization of African Unity and the Charter of the United Nations, particularly Chapter VII thereof.

This force should be able to move around and defend itself, if necessary, in order to make sure that it does not find itself blocked by the aggressors and its accomplices who might seek thus to consolidate their positions to the

detriment of the country's legal institutions, as has happened in similar circumstances.

5. Furthermore, as long as the international force is in place:

(a) The Administration in North Kivu and South Kivu must be Zairian in the name of national sovereignty and the principle of the untouchability of frontiers;

(b) Humanitarian corridors must be organized for the large-scale repatriation of Rwandese and Burundi refugees to their countries of origin and the delivery of humanitarian assistance intended for them. Within these corridors they may be provided with the necessary minimum assistance;

(c) Non-governmental organizations and humanitarian agencies must work under the authority of the Coordinator for humanitarian operations of the Office of the United Nations High Commissioner for Refugees according to clear and precise rules consistent with the requirements of sovereignty to be agreed with the Government of the Republic of Zaire;

(d) The Government of the Republic of Zaire urges the NGOs and the international agencies involved in distributing humanitarian assistance to refrain from dealing with the illegal administrations established by the aggressors and their accomplices.

6. It is only when the refugees and aggressor foreign troops have left that the Government will tackle related issues including that of the granting of nationality - if it arises - in accordance with the Constitution and laws of the Republic of Zaire.

7. Since the context in which Zaire suggested and supported the idea of convening a regional conference on peace and security has long since changed, it would be advisable to consult the States in the region again on this issue.

The Government of the Republic of Zaire does not intend to embark on such an initiative unless there has been a positive development in the field, specifically with regard to the large-scale repatriation of Rwandese and Burundi refugees to their countries of origin and the withdrawal of all aggressor troops from Zairian territory.

In any event, the Nairobi Summit did not include the principle of such a conference in its recommendations.

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
and Minister of the Interior